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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/001,556 | 10/31/2001 | Thomas J. Westbrook | WWWN116621 | 7679 |

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EXAMINER

LEVINE, ADAM L

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/001,556 | Applicant(s) WESTBROOK ET AL. | |
| | Examiner Adam Levine | Art Unit 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 and 32-57 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 and 32-57 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

This is in response to Applicants' amendments to the claims and response mailed January 12, 2005, with file date January 18, 2005. Claims 1-57 were currently pending. Claims 30 and 31 have been cancelled by this amendment. Claims 1-29 and 32-57 are treated in this final office action.

Response to Arguments

Applicants' argument filed January 18, 2005 has been fully considered but it is not persuasive. Claims 1-29 and 32-57 remain rejected. With regard to Claims 1 and 32, Applicants' state:

Specifically, Adam et al. fails to teach or suggest "obtaining a confirmation of the completion of a transaction between the buyer and the selected seller" as recited in the claim.

Unfortunately this is not a correct characterization of Adam (US Pub. No. 2002/0069156). Applicants' attention is guided to the following excerpt from Adam previously cited in the first office action:

A further pop-up screen might pertain to order confirmation, through which a buyer might receive an e-mail confirmation that his trading account has been debited once the buyer fills an order, and that the funds have been transferred to an escrow account. A seller might receive e-mail confirmation that a certain quantity of goods have been purchased at a certain price and authorizing release of the product to the shipper. When the trucker delivers the order and it is received and accepted by the buyer, a seller might receive a further confirmation e-mail stating that the funds which the buyer has placed in escrow have now been released to the seller, thereby closing the entire transaction.

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(see at least p. 9 para. 0068). This very clearly teaches "obtaining a confirmation of the completion of a transaction between the buyer and the selected seller." Applicants' offer no discussion in support of the opposite position so there is no basis for the Examiner to reverse the prior conclusion. Claims 1 and 32 stand rejected under 35 U.S.C. 102(e) as being anticipated by Adam.

With regard to Claims 2-29 and 33-57, Applicants' state that the claims "recite additional limitations that establish the patentability of the invention over Adam et al." Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Claims 2-29 and 33-57 therefore also stand rejected under 35 U.S.C. 102(e) as being anticipated by Adam.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-57 are rejected under 35 U.S.C. 102(e) as being anticipated by

Adam Patent Publication No. 2002/0069156.

Referring to claim 1. Adam discloses a method for facilitating transactions between one or more buyers and sellers, the method comprising:

- Obtaining a buyer transaction request, the transaction request including one or more buyer criteria (paragraph 0078);
- Identifying a set of sellers corresponding to the at least one buyer criteria;
- Transmitting the set of sellers corresponding to the buyer criteria (paragraph 0078 through paragraph 0082);
- Obtaining a selection of at least one seller corresponding to the buyer criteria (paragraph 0078 through paragraph 0082);
- Processing the negotiation of a transaction between the buyer and the selected seller corresponding to the buyer criteria (paragraph 0078 through paragraph 0082);
- Obtaining a confirmation of the completion of a transaction between the buyer and the selected seller (paragraph 0008 and paragraph 0068); and
- Generating transaction records associated with the completed transaction (paragraph 0073).

Referring to claim 2. Adam further discloses a method wherein obtaining the buyer transaction request includes obtaining a buyer transaction inquiry from a buyer computing device, wherein the buyer transaction inquiry includes a request to identify sellers operable to sell a buyer specified product and quantity (abstract).

Referring to claim 3. Adam further discloses a method wherein identifying a set of sellers corresponding to the buyer criteria includes:

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- Obtaining product and quantity correlation data (Figure 4, Figure 5 and Figure 6);
and
- Translating the buyer specified product and quantity data into a format compatible with each identified seller corresponding to the buyer criteria (Figure 4, Figure 5 and Figure 6).

Referring to claim 4. Adam further discloses a method wherein identifying a set of seller corresponding to the buyer criteria includes applying selection criteria (paragraph 0078 through paragraph 0082).

Referring to claim 5. Adam further discloses a method wherein the selection criterion includes information selecting one or more general seller categories to include/exclude (paragraph 0078).

Referring to claim 6. Adam further discloses a method wherein the selection criterion includes information identifying specific sellers to include/exclude (paragraph 0078).

Referring to claim 7. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from the buyer computing device (paragraph 0078).

Referring to claim 8. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from a seller computing device (paragraph 0078).

Referring to claim 9. Adam further discloses a method wherein the selection criterion includes information identifying one or more general seller categories to

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include/exclude and one or more specific sellers corresponding to the general seller categories to include/exclude (paragraph 0071).

Referring to claim 10. Adam further discloses a method wherein obtaining the buyer transaction request includes obtaining a buyer transaction query from a buyer computing device, wherein the buyer transaction query includes an invitation for offers from a number of sellers (abstract).

Referring to claim 11. Adam further discloses a method wherein identifying a set of sellers corresponding to the buyer criteria includes;

- Identifying a set of sellers corresponding to the buyer criteria (Figure 4, Figure 5 and Figure 6);
- Transmitting the transaction query to the set of sellers (Figure 4, Figure 5 and Figure 6); and
- Obtaining one or more seller offers corresponding to the transaction query (Figure 4, Figure 5 and Figure 6).

Referring to claim 12. Adam further discloses a method wherein identifying a set of seller corresponding to the buyer criteria includes applying selection criteria (paragraph 0078 through paragraph 0082).

Referring to claim 13. Adam further discloses a method wherein the selection criterion includes information selecting one or more general seller categories to include/exclude from the transaction query (paragraph 0071 and paragraph 0078).

Referring to claim 14. Adam further discloses a method wherein the selection criterion includes information identifying specific sellers to include/exclude from the transaction query (paragraph 0071 and paragraph 0078).

Referring to claim 15. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from the buyer computing device (paragraph 0071 and paragraph 0078).

Referring to claim 16. Adam further discloses a method wherein the information identifying specific sellers to include/exclude is obtained from a seller computing device (paragraph 0071 and paragraph 0078).

Referring to claim 17. Adam further discloses a method wherein the selection criterion includes information identifying one or more general seller categories to include/exclude and one or more specific sellers corresponding to the general seller categories to include/exclude (paragraph 0071 and paragraph 0078).

Referring to claim 18. Adam further discloses a method wherein obtaining a selection of at least one seller corresponding to the buyer criteria includes:

- Generating a Web page interface (paragraph 0044); and
- Obtaining a selection of the at least one seller via the Web page interface (paragraph 0044).

Referring to claim 19. Adam further discloses a method wherein processing the negotiation of a transaction includes:

- Obtaining communications from the buyer (abstract); and
- Transmitting the communications to the selected seller (abstract).

Referring to claim 20. Adam further discloses a method wherein processing the negotiation of a transaction includes:

- Obtaining communications from the selected seller (abstract); and
- Transmitting the communications to the buyer (abstract).

Referring to claim 21. Adam further discloses a method wherein processing the negotiation of a transaction includes obtaining a selection of a direction communication method between the buyer and the selected seller; and establishing the direct communication channel between the buyer and the selected seller (paragraph 0025).

Referring to claim 22. Adam further discloses a method wherein the direct communication channel includes an Internet voice communication channel (paragraph 0039).

Referring to claim 23. Adam further discloses a method wherein the direct communication method includes a standard telephonic communication channel (paragraph 0039).

Referring to claim 24. Adam further discloses a method comprising:

- Obtaining a third party transaction request (abstract);
- Identifying one or more third parties corresponding to third party transaction request (abstract);
- Transmitting a set of third parties corresponding to the third party transaction request (abstract);
- Obtaining a selection of at least one third party corresponding to the third party transaction request (abstract);

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- Processing the negotiation of a transaction with the selected third party corresponding to the third party transaction request (abstract);
- Obtaining a confirmation of the completion of a transaction with the selected third party corresponding to the third party transaction request (abstract); and
- Generating transaction records associated with the completed transaction (abstract).

Referring to claims 25 and 26. Adam further discloses a method wherein transaction details are forwarded to a third-party.

The Examiner notes, the descriptive material related to the type of third-party is not functionally involved in the recited steps of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claim 27. Adam further discloses a method wherein the transaction request is obtained from the buyer (abstract).

Referring to claim 28. Adam further discloses a method wherein the transaction request is obtained from the selected seller (abstract).

Referring to claim 29. Adam further discloses a method wherein the transaction request is a products transaction request.

The Examiner notes, the descriptive material related to the type of product is not functionally involved in the recited steps of the method. Thus, this descriptive material

will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claim 30. Adam further discloses a computer-readable medium having computer executable instruction for performing the method recited in Claim 1 (abstract).

Referring to claim 31. Adam further discloses a computer system having a processor, a memory, and an operating environment, the computer system operable to perform the method recited in Claim 1 (abstract).

Referring to claims 32-57. Claims 32-57 are rejected under the same rationale as set forth above in claims 1-29.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

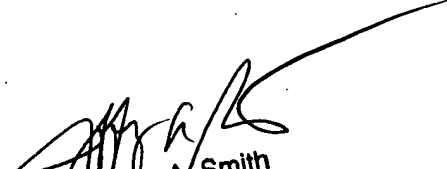
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571.272.7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adam Levine
Patent Examiner
July 7, 2005



Jeffrey A. Smith
Primary Examiner